
AGENDA
FOR THE REGULAR MEETING OF THE
LOS ANGELES COUNTY COMMISSION ON DISABILITIES

500 WEST TEMPLE STREET, ROOM 374A
LOS ANGELES, CALIFORNIA 90012



Access

Board of Directors

Summary Report on Access Board Meeting attended by Kurt Hagen,
Commission on Disabilities appointed Access Board Representative.

The following report is respectfully submitted by Kurt C. Hagen,
Access Services Board of Directors appointee for the Los Angeles
County Commission on Disabilities (LACCOD). This report is to be
submitted at the February 15, 2012, regular meeting.

1. The most recent meeting of the Access Services Board of Directors was held on January 23, 2012. The following report addresses actions taken therein.

BOARD OF DIRECTORS MEETING—JANUARY 23, 2012

2. CLOSED SESSION—The Board of Directors discussed two litigation cases currently outstanding: Chroman v. Access Services and Arun Prem v. Access Services. The Board further discussed an employee relations issue.
3. OPEN SESSION—The Board of Directors recommenced the meeting in Open Session.

General Counsel Jim Jones reported the following from Closed Session. The Chroman v. Access Services case has settled, yet there has not been the final signature, as of yet. There was no reportable action on Prem v. Access Services.

4. Superior Service Awards—The Board of Directors recognized Luz Elena Dominguez as the December 2011 awardee for Superior Service. Ms. Dominguez is a driver for MV Transportation, serving the San Fernando Valley service area.
5. Minutes—The Board of Directors approved the minutes from the November 14, 2011, meeting.
6. General Public Comment—The Board of Directors heard the following general public comment:

Dina Garcia spoke of difficulties in Access pick up and drop offs at her place of employment. She requested Access to do a site visit to her site (CALIF) to evaluate the possibility of placing an Access Stand there.

Daniel Garcia spoke to request Access to ensure 2012 is a more consumer driven year in paratransit. He reiterated issues with the TAP Cards, the TPAC/CAC restructuring and the difficulties experienced by riders who are sent sedans that are alleged to be too small (such as the Toyota Prius).

Phyllis Coto spoke regarding her suggestion to add talking signage in the subways leading to the elevators.

Toni Hemphill spoke on behalf of herself and three other individuals. She expressed concern over the size of the sedans being dispatched, lengthy share rides and alleged reckless drivers who operate the sedans (Ms. Hemphill had stated she had been involved in three accidents to date).

As matters brought up in Public Comment cannot be responded to directly in an open meeting where said comments are made, staff was directed to individually speak with the individuals providing public comment to clarify and/or address the concerns raised.

7. Consent Calendar—The Board of Directors took action on the following consent calendar items:

- a) Authorize Extension of Contract With HDR Engineering, Inc.—The Board of Directors approved the extension of the contract with HDR Engineering, Inc., for ADA paratransit demand forecasting that is currently set to expire June 30, 2012.

Therefore, the Board authorized an extension of contract for the period July 1, 2012 through June 30, 2013 and a corresponding increase in funding for the additional year of \$24,185.00. There is no increase in the rates of compensation and the not-to-exceed amount will increase from \$195,948.00 to \$220,133.00.

Since commencing its work with Access Services in 2003, HDR has been providing interim and annual reports updating the ADA paratransit demand projections. In addition to providing these two important planning documents, HDR has been very responsive to Access' requests for revisions and modifications due to the potential effects on ridership due to the rapid changes in the economy. Historically, HDR's accuracy in paratransit demand projections has been within 1% of actual trips delivered.

- b) Approval to Purchase 5 Vehicles For Paratransit Service—The Board of Directors approved the purchase of five Compressed Natural Gas (CNG) powered ADA accessible vehicles for paratransit service during fiscal year 2011-2012. The cost is not to exceed \$285,000, and will be covered by Prop C funds that have already been allocated for this purpose.

The vehicles to be purchased are the MV-1. The MV-1 is the first purpose-built ADA-accessible vehicle with a CNG power option. It has a range of 280 miles. The MV-1 can seat three ambulatory passengers and one passenger using a mobility device. The MV-1 accessible vehicle is currently priced at \$56,026 per unit.

Access currently utilizes modified low-floor minivans that are classified as ULEV2 (Ultra Low Emission Vehicle). These vehicles use unleaded fuel and average 18 miles per gallon. The purchase of the five MV-1 vehicles would afford Access the opportunity to evaluate the performance of an alternatively fueled vehicle in actual revenue service. This will provide further evaluation as to the viability of moving to Compressed Natural Gas in future purchases.

The current price of gasoline in Los Angeles County is \$3.58 per gallon as opposed to CNG at \$2.20 GGE (gasoline gallon equivalent). The MV-1 averaged 16 miles per gallon in a prototype test performed by Access staff. Since Access' current fleet vehicles run an average of 65,000 service miles per year, the MV-1 would cover its higher purchase price in two years. Revenue service minivans average 250,000 miles at time of replacement, which is four years of service.

San Gabriel Transit (SGT), which is already operating CNG vehicles under other contracts, is the suggested operator of this pilot fleet. SGT has technicians and shops familiar with the maintenance of CNG powered vehicles and fuel systems. A majority of the fueling will be completed at the Foothill Transit Peck Road public re-fueling station, and there are stations in Azusa, the City of Industry, and Covina that can be used as back up public fueling stations.

- c) Authorize Contract With Insight Strategies, Inc.—The Board of Directors approved the contract with Insight Strategies to provide organizational leadership and team development services. The approved contract with Insight is for one year with two one year options, from July 1, 2012 through June 30, 2013, in an amount not to exceed \$100,000.

Over the course of the term of Access' current contract, the Insight staff has acquired knowledge and built necessary levels of trust with Access staff that would take a new contractor a significant amount of time to accomplish.

Since 2007, Insight has been providing consultation and advisory services to Access Services' Executive Director, Senior Management Team, individual teams throughout the organization, and key individual employees. The work has included:

- Team alignment
- Process mapping operation's functions
- Building an organizational competency model
- Updating the performance system to match new desired behaviors
- Training on a new performance management system
- Coaching skills
- Creation of an Organizational Leadership Readiness Program (now in its second year)
- Continued trusted advisement to Executive Director and key senior employees

The goal of Insight in strategic organizational consultation is to improve the performance of an organization by aligning its people to achieve company objectives, thus making the organization more adaptive and responsive to customer changes and new competitive challenges.

- d) Authorize Contract - General Counsel, Jones & Lester, L.L.P.—The Board of Directors approved the contract with General Counsel, Jones & Lester, L.L.P. in order to continue general legal representation for the period July 21, 2012 through June 30, 2017 and to provide the necessary funding for the services for that period.

In approving this contract, the Board authorized the expenditure of up to \$2,500,000 for general counsel/special counsel legal services for a five year period ending June 30, 2017, with an additional three one year options.

The fees described in this item are based on a fixed monthly retainer in addition to rates specifically tied to litigation vs. non-litigation services. In addition, the new contract will contain an annual reconciliation if the amount that would have been billed during the course of the year, based on the hourly rates listed below, is more or less than 15% of the targeted annual amount.

The option of conducting a public Request for Proposal process was considered. A formal procurement for legal services has not been undertaken at Access since 1995, when our current counsel's prior law firm was retained. Typically, professional services contracts are not subject to frequent bidding but, instead, are the subject of a negotiated renewal unless there is dissatisfaction with the services being provided. There are several reasons for this. Contracts for legal services are materially different from other services. For example, they are terminable at will by the client with or without cause at any time. Further, they are most efficiently discharged by counsel experienced in the affairs of the entity as well as the applicable law. Frequent changes in legal counsel would result in inefficiency, higher costs, and potentially poorer legal service.

The concept of hiring in-house legal counsel for routine matters has been examined. An analysis of the costs of this arrangement indicated that this was not a viable option. A substantial portion of Access' overall legal expenses is attributable to the defense of uninsured litigation.

Such work is not typically handled by in-house counsel, and our experience with third party legal defense in insured cases has indicated that the unrelated attorney's lack of knowledge regarding the complex laws and rules that govern Access' activities is a substantial impediment to efficient and effective service. Mr. Jones and his firm possess this specific knowledge and have been able to achieve excellent results for Access. Mr. Jones has more than 42 years' experience in both litigation and transactional.

A multiple year contract would bind Jones & Lester to the lower negotiated rates and other terms provided in the contract and preclude them from undertaking an engagement in conflict with the interests of Access during its term. The Board is free to discharge Jones & Lester at any time during the period without breaching the contract and without liability to the firm for other than the services already performed under the contract. All contracts for legal services are terminable by the client at any time, with or without cause, under applicable law and the rules of professional conduct.

Staff compared the proposed rates for services with those of other transit agencies in Southern California. The proposed rates remain substantially below those charged for non-profit and governmental entities by other attorneys with similar levels of experience and expertise. The proposed rates for Jones & Lester are as follows:

	Non-Litigation Rate	Litigation Rate
James Jones, Partner (& other Partners)	\$315 per hour	\$350 to \$375 per hour
Senior Associates	\$275 per hour	\$300 per hour
Junior Associates	\$250 per hour	\$275 per hour
Paralegals	\$135 per hour	\$150 per hour

James Jones, under his practice with Mark Lester (Jones & Lester L.L.P.), has been providing legal services for Access Services since July 2001. The proposed rates under this five-year contract have been restructured due to changes in the Access insurance program and an increased focus on such areas as personnel policy/best practices.

8. Approval of Access Services Community Advisory Committee Proposed Membership—The Board of Directors approved the slate of members for the new Access Services Community Advisory Committee.

There shall be eight (8) representatives appointed to a two-year term (known as Group A) and seven (7) representatives appointed to a one year term (known as Group B). Group A terms will expire on January 23, 2014 and every two years thereafter on the date of the Board of Directors meeting; Group B terms will expire on January 23, 2013 and every two years thereafter on the date of the Board of Directors meeting.

Group A			
Last Name	First Name	Access User	Affiliation
Arrigo	Michael	Yes	Metro Accessibility Advisory Committee/West Hollywood Advisory Board
Baldwin	Kurt	No	Independent Living Center of Southern California
Cavalino	Nicole	No	R & D Transportation, Travel Training Manager
Foafoa	Fetineiai	Yes	Volunteer: Long Beach
Lantz	Terri	No	UCP Client Advocate/United Cerebral Palsy

Segal-Gidan	Freddie	No	Director of Geriatric Neurobehavioral and Alzheimer Center - Rancho Los Amigos
Stoudemire	Mildred	No	The ARC Center for Human Rights of LA and OC
Watts	Monique	No	Director of Ability First
Group B			
Last Name	First Name	Access User	Affiliation
Aroch-Aguilar	Maria	Yes	Southern California Rehabilitation Services
Cohen	David	Yes	Chaplain, Veterans Administration
Coto	Phyllis	Yes	Los Angeles County Client Coalition - Department of Mental Health
Francois	Marie	No	Director of Programs - Foothill Aids Project/child with Autism
Garcia	Dina	Yes	Access Customer
Kavarian	Maggie	No	City of Glendale Community Services Supervisor
Payne	Howard	Yes	V.A./Braille Institute/Whittier Accessibility Commission

During the September 2011 Access Board of Directors Meeting, the Access Board approved the revised bylaws and restructured CAC with the expectation that staff would present the new slate of CAC members at the January 2012 Access Services Board of Directors meeting.

The methodology used for solicitation and screening of applicants included:

Solicitation

- Mailing of introductory letter and application to approximately 1,000 individuals in Access' database
- Dissemination of 6,000 seat drops to Access service providers to be distributed on vehicles
- Placement of information and application on Access website

Screening/Selection Process

- Staff and board reviewed of all 29 applicants
- In person interviews were conducted with all new applicants
- Interview questions and rating scale were developed and implemented to assess and identify individuals that would:
 - Represent a large contingent of Access customers
 - Represent the service regions proportionately
 - Represent a spectrum of the disability community
- Final review and selection process comprised of:
 - Board selection committee members Angela Nwokike, Dolores Nason and Joseph Stitcher
 - Access staff person, David Foster, Acting Director of Customer Support Services

9. Approval of Access Services Transportation Professionals Advisory Committee Proposed Membership—The Board of Directors approved the slate of members for the new Access Services Transportation Professionals Advisory Committee.

The proposed slate of Transportation Professionals Advisory Committee was agreed on by a committee of Access staff and member agency staff member Alva Carrasco from Montebello Transit.

Proposed TPAC Members

Group A

1. Katherine Engel – Glendale Beeline
2. Jesse Valdez – East Los Angeles Regional Center
3. Gracie Davis – Orange County Transportation Authority
4. Wayne Wassell - METRO
5. Kevin McDonald – Foothill Transit
6. Diane Amaya – Beach Cities Transit
7. Ian Dailey – Torrance Transit
8. Linda Evans – L.A. Department of Transportation

Group B

1. Valerie Gibson – City of Pasadena
 2. Shirley Hsiao – Long Beach Transit
 3. Jose Medrano – Montebello Bus Lines
 4. Jose Barrios – City of Santa Fe Springs
 5. Evelyn Galindo – South Los Angeles Regional Center
 6. Ernie Crespo – Santa Monica's Big Blue Bus
 7. Darren Uhl – City of Culver City
10. Approval of New Free Fare Program Partners and Amend Free Fare Agreements—The Board of Directors approved the addition of two new free fare partners—Long Beach Transit and Gardena Municipal Bus Lines—and the amendment of the existing free fare agreement with Glendale Beeline to allow reimbursement for Access riders who ride the Beeline.

It is estimated the Board approval of this item will result in an increase of approximately \$372,000 per year in free fare reimbursements.

In 2000, Access established the Free Fare Program with other fixed route partner agencies to encourage Access customers to use regular, accessible bus or rail service when appropriate.

The Free Fare Program allows Access customers and their personal care attendant to ride the bus or rail free of charge. In turn, Access reimburses free fare partners for the cost of the trip, typically the cash fare for elderly and/or disabled riders charged by the participating entity.

The Free Fare Program has been very successful and is potentially saving the Los Angeles County Region—conservatively—in excess of \$100 million annually assuming that Free Fare trips replace a similar ADA paratransit trip. The TAP Card is now starting to provide data to back up the belief the \$100 million figure may be too low.

Long Beach Transit is one of the top three largest transit systems in the County in terms of yearly ridership and it is estimated an average of 37,000 monthly Access trips may be taken on Long Beach Transit.

Gardena Municipal Bus Lines is estimated to have an average of 5,800 monthly Access trips that may be taken on Gardena Municipal Bus Lines.

Glendale Beeline joined the free fare program in 2001; however, has never requested reimbursement for Access rider trips. It is estimated an average of 18,000 monthly Access trips are taken on their system.

The Free Fare program affords greater mobility to Access riders by providing more travel options.

11. Selection of Antelope Valley Area Service Provider—The Board of Directors approved selection of a new service provider for the Antelope Valley region. Service in the Antelope Valley is currently provided by Southland Transit, Inc. until the end of the contract April 30, 2012. The Board of Directors approved a contract with Diversified Transportation, LLC (Diversified) beginning May 1, 2012 and ending April 30, 2017 in an amount not to exceed \$11,953,369.48 for the five year base period. The scope of work entails the provision of two types of trips: next day/standing orders and the new, Job

Access and Reverse Commute (JARC) program funded, *Access-to-Work* service.

It is expected that the region will deliver approximately 58,000 trips in its first year. The performance standards for the new contract will be equivalent to those by which Access currently holds Southland Transit, Inc.

After the release of the Request for Proposals (RFP) last year, four entities returned RFPs deemed to be responsive. The four transit entities that submitted proposals were Southland Transit, Inc. (STI), Diversified Transportation, LLC (Diversified), SMS Transportation (SMS) and MV Transportation.

The Proposals were evaluated based on the following criteria and weighting:

Qualifications/Availability of Staff	15 points
Quality of Technical Approach	30 points
ADA Paratransit Operating Experience	20 points
Cost/Price Proposal	20 points
Employee Pay and Benefits	<u>15 points</u>
Subtotal	100 points
Agreement to retain existing employees	<u>10 points</u>
TOTAL	110 points

The evaluation scores (out of a possible 110 points) are as follows: Diversified had 99.54, MV Transportation had 98.75, Southland Transit had 98.63 and SMS had 67.52.

With Access' insistence on the addition of key full-time, 100% dedicated positions – including a dedicated project manager and a dedicated driver trainer - coupled with the establishment of a higher minimum salary for the three key front line positions, which constitute the majority of the staffing - vehicle operator, call taker and dispatcher - the proposed rates of compensation associated with the contract have naturally increased from the rates currently in place in the service area.

12. TAP Card Program Status—Deputy Executive Director, Administration, F Scott Jewell provided a brief presentation on the status of the TAP card program.

During the month of December 2011, there were 12,000 unique individual riders who used their TAP card on a free fare partner service. In that month, there were 487,000 Taps which averages out to 38 trips for each of the 12,000 riders.

Through the month of December, there have been 58 cases pending with individuals who were caught fraudulently using an Access ID card for free fare on fixed route.

- One individual has been convicted of a felony and sentenced to 4 years;
- Six other individuals are facing felony charges due to the use of a false Access ID;
- The majority of the pending cases have been charged as misdemeanors.

ANNOUNCEMENTS

Director Theresa DeVera announced the 9th Annual Capitol Action Day in Sacramento is scheduled for May 30, 2012.

NEXT ACCESS SERVICES BOARD OF DIRECTORS MEETING

The next regular meeting of the Access Services Board of Directors will be held on February 27, 2012.

Beginning with October 2011, the monthly “Board Box” report includes a section with a rolling calendar of upcoming Board of Directors meeting dates and the tentative anticipated topics to be covered at those meetings. Keeping in mind the caveat that these agenda items are tentative, the follow is a list of topics to be covered at the next meeting.

Item	Description
Corvel	Extension of vendor contract for 3rd Party Risk Administration services
Pacific Interpreters	Extension of vendor contract for language interpretation services
Voice and Data Telecommunication Services	Award of contract for voice and telecommunication (800#, wide area network) services for entire agency
Accurate Telecom	Extension of vendor contract for telephone maintenance services
Grebb Petrie	Extension of vendor contract for appeal maintenance services
CTI	Extension of vendor contract for transportation services in the West/Central region
City of Santa Clarita	Extension of vendor contract for transportation services in the Santa Clarita region

Respectfully Submitted,



Date: February 15, 2012